

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Street: 112 Henry Street NE, Suite 300, Olympia, WA 98506
 Mail: PO Box 40919, Olympia, WA 98504-0919
 Phone: (360) 570-7300 Fax: (360) 570-7334 E-mail: filing@perc.wa.gov

PETITION FOR INVESTIGATION OF QUESTION CONCERNING REPRESENTATION

☐ Amended Petition in Case - E - -

Instructions: Other side of this form (page 2) Applicable Rules: Chapters 10-08, 391-08, and 391-25 WAC.

The petitioner claims that a question concerning representation exists involving certain employees of the employer named below.

1. EMPLOYER

CONTACT PERSON
 ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

2. PETITIONER

CONTACT PERSON
 ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

3. INCUMBENT BARGAINING REPRESENTATIVE *Indicate one.*

☐ The employees involved are not currently represented for bargaining; OR ☐ The employees involved are currently represented by the organization below:

ORGANIZATION

CONTACT PERSON
 ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

**ATTORNEY OR
REPRESENTATIVE**

ADDRESS
 CITY, STATE, ZIP
 TELEPHONE ext.
 FAX
 E-MAIL

4. COLLECTIVE BARGAINING AGREEMENT *Indicate one.*

☐ The parties have never had a contract; OR ☐ A copy of the parties' current (or most recent) collective bargaining agreement is attached.

5. SHOWING OF INTEREST

A petition filed by an organization or employees must be accompanied by a showing of interest indicating that the petitioner has the support of 30% or more of the employees in the bargaining unit.

6. BARGAINING UNIT**EMPLOYER'S PRINCIPAL BUSINESS****DEPARTMENT OR DIVISION INVOLVED****NUMBER OF
EMPLOYEES IN UNIT**

DESCRIPTION OF UNIT *Indicate inclusions, exclusions, contract page or case/decision number.*

7. DESIGNATION OF REQUEST *Indicate one.*

- ☐ **RECOGNITION REQUEST.** The petitioner requests certification as exclusive bargaining representative of the bargaining unit.
- ☐ **CHANGE OF REPRESENTATIVE.** The employees in the bargaining unit desire to designate the petitioner as their exclusive bargaining representative.
- ☐ **DECERTIFICATION.** The employees in the bargaining unit no longer desire to be represented by any employee organization.
- ☐ **EMPLOYER PETITION - DEMAND FOR RECOGNITION.** The employer has been presented with one or more demands for recognition (per attached documentation) and requests a determination by the Commission.
- ☐ **EMPLOYER PETITION - INCUMBENCY QUESTIONED.** The employer has a good faith belief (per attached documentation) that a majority of employees no longer desire representation by the incumbent exclusive bargaining representative.

8. OTHER RELEVANT FACTS *Indicate, if applicable.*

- ☐ Additional information is set forth on separate sheets of paper attached to this petition

9. AUTHORIZED SIGNATURE FOR PETITIONER

PRINT NAME TITLE
 SIGNATURE DATE

INSTRUCTIONS FOR REPRESENTATION FORM**{Do not file this sheet with PERC}**

A. RULES The Public Employment Relations Commission (PERC) processes representation cases under Chapters 391-25, 391-08 and 10-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.

B. WHO CAN FILE Employee organizations can file petitions for units where they seek to be certified as exclusive bargaining representative. Individual employees only have legal standing to seek "decertification" of their existing exclusive bargaining representative. Employers can only file petitions under limited circumstances.

C. WHEN TO FILE The party filing a representation petition must comply with time limitations specified in WAC 391-25-030. Where neither a "contract bar" nor a "certification bar" is in effect, a petition may be filed at any time.

CONTRACT BAR – If a valid collective bargaining agreement is in effect, a petition involving any or all of the employees covered by that contract will be timely only if it is filed during the "window" period not more than 90 nor less than 60 days prior to the stated expiration date of the contract. For state civil service employees, the "window" period is not more than 120 nor less than 90 days before the expiration date of the contract. For this purpose:

- The agreement must cover a bargaining unit that is appropriate under the terms of the applicable statute.
- The agreement must be in writing, and must be signed by the parties' representatives.
- The agreement must contain a fixed expiration date not less than 90 days after it was signed.
- The agreement will only operate as a bar for the first three years after its effective date.
- An agreement to extend or replace a collective bargaining agreement shall not bar a petition filed in the "window" period of the previous agreement.
- A "protected" period is in effect from the end of a "window" period through contract expiration, and a successor agreement negotiated by the employer and incumbent exclusive bargaining representative during that period will bar a petition under this chapter.

CERTIFICATION BAR – When PERC issues a certification, a petition involving the same bargaining unit or any subdivision of that unit will only be timely if it is filed more than 12 months after the certification of an exclusive bargaining representative or more than 12 months following the latest election or cross-check in which the employees failed to select an exclusive bargaining representative.

D. SHOWING OF INTEREST There is no PERC form for "showing of interest" documents, but the rules include:

WAC 391-25-110 SUPPORTING EVIDENCE -- SHOWING OF INTEREST CONFIDENTIAL. (1) A petition filed by employees or an employee organization shall be accompanied by a showing of interest indicating that the petitioner has the support of thirty percent or more of the employees in the bargaining unit which the petitioner claims to be appropriate. *The showing of interest shall be furnished under the same timeliness standards applicable to the petition, and shall consist of original or legible copies of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate.* . . .

(emphasis added). To protect their confidentiality, showing of interest materials cannot be filed by fax or e-mail.

E. FORM Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

EMPLOYER Each case must arise out of an employment relationship with a named "Employer" that is subject to PERC jurisdiction.

PETITIONER The "Petitioner" is the employee, employee organization, or employer that is filing the petition.

INCUMBENT If an organization currently represents the employees, list it as the "Incumbent Bargaining Representative" on the form. If the petitioner knows of other organizations which claim, or may claim, to represent the employees involved, ATTACH ADDITIONAL SHEETS containing the name(s), address(es), names of principal representative(s) and telephone number(s) of all such organizations.

AGREEMENT ATTACH a copy of the collective bargaining agreement, if one exists (unbound documents are preferred).

SHOWING ATTACH the showing of interest to the original petition only. The showing will be kept confidential throughout and after all case processing.

BARGAINING UNIT

- C Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- C Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- C Indicate the number of employees in the bargaining unit.
- C Describe the bargaining unit by listing the types of employees to be included (such as "all law enforcement officers," "all fire fighters," "all operations and maintenance employees," or "all employees"), and to be excluded (such as "supervisors" or "confidential employees"). Use additional sheets of paper, if necessary.

REQUEST Indicate the type of request which best describes the situation.

OTHER FACTS If more space is needed, ATTACH additional sheets.

F. FILING WITH PERC See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.

G. COPIES TO OTHER PARTIES See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

H. NORMAL CASE PROCESSING The steps that usually occur in representation cases are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.